

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF VIRGINIA
ROANOKE DIVISION**

CHRISTOPHER M. CARTER,)	
Plaintiff,)	Civil Action No. 7:19cv00215
)	
v.)	<u>MEMORANDUM OPINION</u>
)	
NURSE/MS. L. PARKS, et al.,)	By: Michael F. Urbanski
Defendants.)	Chief United States District Judge

Plaintiff Christopher M. Carter, a Virginia inmate proceeding pro se, filed this civil rights action pursuant to 42 U.S.C. § 1983. On May 29, 2019, defendants filed a motion dismiss the action and, on May 30, 2019, the court issued a notice pursuant to Roseboro v. Garrison, 528 F.2d 309, 310 (4th Cir. 2005). See ECF Nos. 20 and 26. The notice gave Carter twenty-one days to file a response to the motion and advised him that, if he did not respond, the court would “assume that Plaintiff has lost interest in the case, and/or that Plaintiff agrees with what the Defendant[s] state[] in their responsive pleading(s).” See ECF No. 26. The notice further advised Carter that, if he wished to continue with the case, it was “necessary that Plaintiff respond in an appropriate fashion,” and that if he failed to file some response within the time allotted, the court “may dismiss the case for failure to prosecute.” Id. Carter did not respond. Therefore, the court will dismiss Carter’s complaint without prejudice for failure to prosecute.

ENTER: This 25th day of August, 2019.

/s/ Michael F. Urbanski

Chief United States District Judge